

REMARKS

In the Office Action of August 29, 2005, the Examiner rejected claims 21 through 40 under 35 USC 103 (a) under Darrow in view of Norris et al. Applicant's representative, namely, the undersigned, contacted the Examiner for a telephonic interview in the case. The following is a summary of the subsequent interview:

TELEPHONIC EXAMINER INTERVIEW SUMMARY

Date Of Interview: October 6, 2005

Participants: Examiner Bena B. Miller

Applicant's representative of record Kenneth P. Glynn (26,893)

Issues Discussed: Prior Art Rejection- To overcome rejections, Glynn proposed to amend claims to be limited to "consisting of" language with a new main claim combining the limitations of claim 21 and claim 26. He also, indicated that claim 34 be further narrowed by claim 26 type language, along with the "consisting of" preamble. The Examiner suggested that all claims should be focuses on the Egyptian pyramid theme, that consisting of language would help very much, and that there should also be emphasis on the die structure and its relation to the play of the game.

Agreements: No absolute agreement was made as to allowability. However, the Examiner did feel favorable about combining her and Glynn's suggestions. Glynn offered amendments after final consistent with the foregoing and both agreed that no new matter could be included. In response, Glynn indicated that he would only use phrases and

combine these, from the existing pending claims 21 through 40. The Examiner indicated that she would contact Glynn after receiving the amendment after final, if changes were needed that could be made by Examiner's Amendment to allow the case.

REMARKS-CONTINUED

The undersigned is submitting new claims herewith that are believed to conform to the understanding from the telephonic interview. The new claims differ from the prior claims and more readily distinguish over the rejections based on Darrow in view of Norris for the following reasons:

1.) All claims, by virtue of the main claim 41, are now limited to the preamble "consisting of", leaving little room for interpretation of scope or combination rejections of the type above.

2.) All claims are now specific to an Egyptian pyramid theme, and this eliminates many obviousness arguments.

3.) All claims, by virtue of the main claim 41, are now limited to a plurality of minor unit structures available for purchase to players owning marked historical location spaces wherein other players having a piece land on a marked historical location space with at least one minor structure unit will pay increased landing fees in relationship to the number of minor structure units on that space.

4.) All claims, by virtue of the main claim 41, are now limited to those embodiments wherein the game further includes draw cards separate from the event

cards, and at least one die includes indicia on said minor facets that represent that a player with a roll landing on said minor facet shall take one of said draw cards.

5.) The primary reference to Darrow is directed to the age old commercially successful Monopoly game. It is well known and is the most popular of all board games. However, there are many significant differences between the present invention and the game Monopoly. Although the Examiner accurately paraphrases Darrow's broad teachings, the present invention specifically requires at least one die having fourteen facets, six being major, eight being minor facets, with additional limiting language. The Examiner references Figure 5 to establish that Darrow teaches the claimed fourteen facet die. However, Figure 5 of Darrow shows a six-sided die and not the six major facet, eight minor facet die specifically set forth in the claims herein. As explained in the present specification, these minor facets are color coded or otherwise have significance. Even as blanks, they would represent zeros and, therefore, result in some turns resulting in no movement whatsoever. Not only does Darrow fail to teach or render obvious the claimed invention with respect to these dice, but Darrow is totally absent any suggestion that play turns would be governed by anything other than 2 through 12, depending upon the outcome of the role of two conventional dice.

6.) In addition, Darrow fails to set forth any action spaces or event spaces on the corners that have corresponding event cards. These are further specific claimed limitations.

7.) Also, present invention, as claimed, has two different sets of event cards with at least two different event spaces, absent in the Darrow teachings.

8.) Darrow fails to teach an octagonal playing board, as set forth in the present invention claims. This provides eight different corners of the present invention game board with eight possibilities of actions and/or events, instead of the conventional four corner square board of Darrow.

9.) Darrow also fails to teach historical markings of Egyptian symbols and structures.

10.) Further, Darrow fails to have minor unit structures in the form of tomb tokens or major unit structures in the form of Egyptian pyramids.

11.) With the exception that Norris has a pyramid with ball-bearing spheres with indicia and generally teaches a game with an Egyptian theme, all of the above deficiencies of Darrow are also deficiencies of Norris. In other words, Norris does not overcome any of the aforementioned deficiencies of Darrow, except for a general teaching of an Egyptian theme.

CONCLUSION

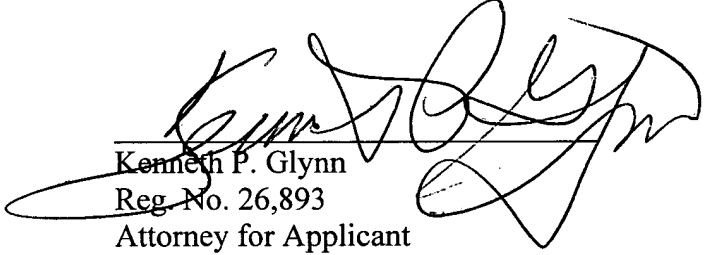
For all the above reasons the rejections of the claims based on Darrow in view of Norris are not viable and should be withdrawn. The amendments have been made to further distinguish the present invention over the cited prior art. In view of the above amendments and remarks, it is urged that the new claims be allowed.

Thank you.

Respectfully submitted,

Dated: October 7, 2005

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:

GEORGE L. NAGLE

Serial No.: 10/807,855

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For: EGYPTIAN PYRAMID BOARD GAME

: Examiner:

: BENA B. MILLER

: Group Art Unit No. 3714

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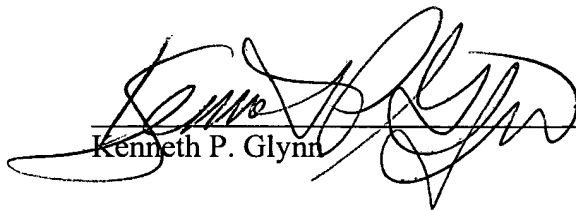
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(Docket No. FPI-102A)